

## **REMARKS**

### **Status of Claims**

Claims 1-8 and 11-21 are pending, of which claims 1, 11, 13, 19 and 21 are independent.

Claims 1, 2, 6, 11-13 and 19-20 have been amended to correct informalities in the claim language and to more clearly define the present subject matter. Claim 10 has been cancelled without prejudice. Claim 21 has been added. Care has been taken to avoid introducing new matter.

Applicant notes with appreciation the indication of allowable subject matter of claims 6 and 7. Although Applicant agrees that the claims 6 and 7 are patentable, it is respectfully submitted that the allowable claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims and the supporting disclosure, without reference to the statement of reasons for allowance stated in the present Office Action.

### **Substance of Interview**

Applicant thanks the Examiner for his time and courtesy during an interview conducted with the Applicant's representative on December 21, 2011. During the interview, the Applicant's representative argued the difference between the prior art and the claimed subject matter. This response reflects the substance of the interview.

### **Claim Objections**

Claims 2, 6, 12 and 20 were objected to because of minor informalities. Applicant submits that the amendments made to these claims overcome the objections.

**Rejection under 35 U.S.C. §101**

Claims 12 and 20 were rejected under 35 U.S.C. § 101 because the claims are allegedly directed to non-statutory subject matter. Applicant submits that the amendments made to these claims overcome this rejection.

**Rejection under 35 U.S.C. §102**

Claim 1-5, 8 and 10-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kori et al. (JP 2000-339851 (US 6,836,844)). This rejection is traversed for at least the following reasons.

Applicant respectfully submits that, at a minimum, Kori fails to disclose *transmitting (i) at least twice, content status information indicating that the content block that is being transmitted is located at a head part of the content, (ii) content status information indicating that the content block that is being transmitted is located at a central part of the content, and (iii) at least twice, content status information indicating that the content block that is being transmitted is located at an end part of the content*, as recited by the independent claims as amended.

Kori appears to disclose transmitting content with a content ID and copy control information embedded as electronic watermark information. In addition, Kori appears to disclose that the content ID and the copy control information are repeatedly transmitted from the head to the end of the content (see, col. 6, lines 25-38 Kori ‘844). Further, Kori appears to disclose that a flag that indicates “Start” is turned “ON” at the head part of the content and a flag that indicates “End” is turned “OFF” at the end part of the content (see, col. 6, lines 25-38 Kori ‘844 and FIGS. 2 and 4). However, it is clear that Kori fails to disclose the aforementioned features of the amended independent claims.

During the aforementioned interview, the Examiner asserted that Kori discloses transmitting content repeatedly, and thus appears to disclose “*transmit (i) at least twice, content status information indicating that the content block that is being transmitted is located at a head part of the content, (ii) content status information indicating that the content block that is being transmitted is located at a central part of the content, and (iii) at least twice, content status information indicating that the content block that is being transmitted is located at an end part of the content.*” Applicant submits, however, that the independent claims of the present application clearly recite that, for example, content status information indicating that the content block that is being transmitted is located at a head part of the content is transmitted at least twice. It is clear that Kori fails to disclose any information corresponding to the claimed content status information indicating that the content block that is being transmitted is located at a head part (or end part) of the content.

The Examiner further asserted during the interview that a start flag and an end flag of Kori appear to correspond to the claimed content status information indicating that the content block that is being transmitted is located at a head part (or end part) of the content. However, the flags of Kori do not indicate the content block that is being transmitted is located at a head part (or end part) of the content.

Accordingly, Applicant submits that claims 1, 11, 13 and 19 and all claims dependent thereon are patentable over the cited reference. Thus, it is requested that the Examiner withdraw the rejection of the claims under 35 U.S.C. § 102(b).

**New Claim**

Since new claim 21 recites “[transmitting] (i) at least twice, content status information indicating that the content block that is being transmitted is located at a head part of the content, (ii) content status information indicating that the content block that is being transmitted is located at a central part of the content, and (iii) at least twice, content status information indicating that the content block that is being transmitted is located at an end part of the content,” new claim 21 is also patentable over the cited reference for at least the same reasons as claims 1, 11, 13 and 19 as set forth above.

**CONCLUSION**

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Takashi Saito  
Limited Recognition No. L0123

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 MEF:TS:MaM  
Facsimile: 202.756.8087  
**Date: December 29, 2011**

**Please recognize our Customer No. 53080  
as our correspondence address.**